<u>REMARKS</u>

Applicants have reviewed the Office Action mailed July 27, 2007. In this submission, claim 17 has been canceled, claims 16 and 18-22 have been amended, and claims 33-35 have been added. Claims 1-10, 12, 14-16, 18-23, 25, 27-30 and 32-35 are pending. Applicants request reconsideration of the pending claims as amended and in view of the following remarks.

Examiner Interview Summary

Applicants thank Examiner Pannala for the courtesies extended during the telephone interview of December 7, 2007. During the telephone interview, Applicants and the Examiner discussed the § 101 rejections. Applicants appreciate the Examiner's agreement to revisit the § 101 rejections, given that the Examiner was not able to explain the basis for such rejections during the telephone interview.

Applicants and the Examiner further discussed the § 103 rejections of claims 1 and 3-8. Based on the Examiner's comments during the telephone interview, Applicants understand that the Examiner is attributing much less significance to particular elements in Applicants' claims than Applicants believe is proper, given proper claim interpretation. Additional details and arguments are presented below with respect to certain claims. With respect to other claims, Applicants present amendments herein that are based in part on the Examiner's comments or suggestions during the telephone interview.

Claim Rejections – 35 U.S.C. § 101

The Examiner rejected claims 14-23, 25, 27-30 and 32 under 35 U.S.C. § 101 as follows:

> **3. Claims 14-23, 25, 27-30, 32 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claims 1, 14 and 27 merely claiming functional descriptive material, i.e., abstract ideas. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete**

> **and tangible results. See Diehr, 450 U.S. at 186 and Gottschalk v. Benson, 409 U.S. 63, 71-72 (1972).**

Applicants submit that the independent claims are directed to statutory subject matter and clearly produce useful, concrete and tangible results. Applicants note that following the last Office Action, which raised substantially similar § 101 rejections, Applicants traversed the rejections but also amended the claims. For example, in its current format, claim 1 recites, inter alia, "retrieving data ...; retrieving metadata...; creating ... an electronic file...; and exporting the electronic file to one or more external systems for display using an application residing on the one or more external systems." As discussed in the above-referenced telephone interview, Applicants submit that "exporting the electronic file to one or more external systems for display" is clearly a concrete and tangible result; moreover, the result is useful for the reasons presented in previous replies to Office Actions, which are herein incorporated by reference. By virtue of being dependent on independent claims that clearly produce useful, concrete and tangible results, the dependent claims are also directed to statutory subject matter. Applicants request that the § 101 rejections be withdrawn.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected various claims under 35 U.S.C. § 103 as follows:

> **5. Claims 1-10, 12, 14-23, 25, 27-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorsett Jr. (US Patent 6,658,429) hereinafter Dorsett, and in view of Woolston et al. (US Patent 6,856,967) hereinafter Woolston.**

> **6. As per independent claims 1, 14, 27, Dorsett teaches a method implementing techniques for processing from chemical experimentation for or on a library of materials or a subset of such a library of materials (col. 2, lines 39-45). Dorsett teaches the claimed, retrieving data from an identified database object, the database object data including attribute data for the database object (Fig. 1, col.5, lines 31-38). Dorsett teaches the claimed, retrieving metadata from the database object, the metadata including a name, a data type, and a value for each attribute of the database object (Fig. 1, col. 9, lines 26-43 and col. 13, lines 14-19). Dorsett teaches the claimed, exporting the electronic file to one or more external systems for display using an application residing on the one or more external systems (Fig. 1, col. 20, lines 40-43).**

> **Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).**

The rejections of the independent claims, as well as the response to previously submitted arguments, are improper for both procedural and substantive reasons. Starting with procedure and the response to previous arguments, Applicants respectfully point out that four arguments were presented with respect to claim 1, but the Examiner only has addressed one of the four arguments. In particular, Applicants argued the following with respect to the previous rejection based on Dorsett[1]:

- "Firstly, Dorsett does not even relate to, as is now recited in the preamble of claim 1, a 'computer-implemented method for exporting information created in a first system using a first application to one or more external systems,' let alone such a computer-implemented method as set forth in the body of the claim." (Response filed May 14, 2007, at page 10.)

- "In addition, Dorsett does not disclose or suggest, as recited in claim 1, a method that includes 'retrieving data from an identified database object, the database object data including attribute data for the database object, the attributes including at least one static attribute with a predefined data structure and at least one dynamic attribute that is dynamically configured by a user." (Id.)

- "[The] claim element of 'creating and storing an electronic data file in a generalized data format ...' is also not disclosed or suggested by Dorsett." (Id. at page 11.)

- "It is also not correct, as contended by the Examiner, that Figure 1 and column 19, lines 18-21, of Dorsett discloses "parsing the attribute data into the generalized data structure" (Id.)

In response to Applicants' four separate arguments, the Examiner only provided the following:

> **18. Applicant's arguments filed on 5/14/2007 have been fully considered but they are not persuasive and details as follows:**

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[1] A portion of the argument is reproduced herein, but the Examiner is referred to the previous response, filed May 14, 2007, which is incorporated by reference herein.

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a) Applicants' argument stated as "Dorsett does not disclose or suggested, as recited in claim 1..." (see page 10, paragraph last).

In response to Applicants' argument, Examiner respectfully disagrees, because Applicant combines few dependent claims with independent claims. The second reference teaches, so, the rejection of independent claims is changed from 35 U.S.C. 102 to 103 to use the second reference.

This response is deficient and improper. First, by filing the last response and corresponding Request for Continued Examination, Applicants anticipated receiving a full examination of the claims, as contemplated by MPEP § 707.07(f) ("Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument *and answer the substance of it*.") (Emphasis added.) If the Examiner persists in rejecting the claims based on the current art of record, Applicants request that the Examiner fully address each argument raised.

Second, the Examiner's response mischaracterizes Applicants previous amendments. In particular, Applicants did not merely "combine[] few dependent claims with independent claims." Rather, Applicants amended the independent claims to recite additional language, and argued distinctions based in part on the additional language.

Third, the Examiner asserted that "[t]he second reference teaches, so, the rejection of independent claims is changed from 35 U.S.C. 102 to 103 to use the second reference," but the Examiner did not provide in the rejection an explanation of how the second reference (Woolston) addresses deficiencies in the first reference (Dorsett). Rather, the Examiner cited the second reference in a completely irrelevant context. In particular, the Examiner asserted, with reference to claims 1, 14, and 27 that:

Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

Applicants respectfully point out that neither claim 1, nor claim 14, nor claim 27 recites "dealing with bid price." Accordingly, this aspect of the rejection of the independent claims 1, 14 and 27 is irrelevant, and the Examiner provided nothing further that indicates how a second reference is being used to reject the independent claims.

For the above-noted procedural reasons, Applicants respectfully submit that a new non-final Office Action that fully addresses the amendments and arguments of the last response would be appropriate.

Substantively, Applicants continue to argue that neither Dorsett, nor Woolston, nor the combination of Dorsett and Woolston discloses or suggests independent claims 1, 14 or 27—for the reasons previously provided, as well as the additional or further elaborated reasons provided below. In particular, Dorsett does not disclose or suggest "creating and storing an electronic file for the database object in a generalized data format by constructing a generalized data structure for the attribute data using the metadata, and parsing the attribute data into the generalized data structure," as recited in claim 1.

To reject this element, the Examiner asserted the following:

> **Dorsett teaches the claimed, creating and storing an electronic file for the database object in a generalized data format constructing a generalized data structure for the attribute data using the metadata (Fig. 1, col. 9, lines 20-30). Dorsett teaches the claimed, parsing the attribute data into the generalized data structure (Fig. 1, col. 19, lines 18-21).**

Fig. 1 of Dorsett is merely a system diagram that at most provides context for other description. The figure itself does not at all suggest "creating and storing an electronic file for the database object in a generalized data format," "constructing a generalized data structure for the attribute data using the metadata," or "parsing the attribute data into the generalized data structure."

Col. 9, lines 20-30 (in the context of lines 18-47) of Dorsett provide the following:

> **Database 180 can also store other objects, including, for example, database queries and lists (described in more detail below), as well as a collection of pre-defined objects and object prototypes available for**

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> process manager 170 to use to control laboratory apparatus 150, as described in commonly-owned co-pending U.S. patent application Ser. No. 09/550,549, filed Apr. 14, 2000, which is incorporated by reference herein.
>
> Each object has a set of properties that can include, e.g., object metadata, attributes and joins. Object metadata includes information defining the object class, such as an object description, an object type (e.g., Experiment, Element, Other), and a choice of a set of flags, such as Queryable, Updateable, Insertable, Common, and Retrievable in Recordset, that can be assigned to instances of the object class by a user. Object attributes include the set of properties that can be assigned values for any given instance of the object Each attribute may be described, e.g., by name, description, the type of data the attribute stores (for example integer data, floating point, text strings, image, or x-y data), and other properties such as whether the data is user or system assigned, if it can be updated, if it can be retrieved in a tabular representation of the object type or only through the full object representation, and if the attribute should be presented to the user as having a vocabulary of permitted values, either specific fixed values or those from the current set of instances of the object stored. Finally, object joins specify the relationships between the object and other objects available to system 100, such as the names of any parent or child objects and attributes of those objects.

As previously argued, this portion of Dorsett merely describes that objects can have properties including metadata. This portion of Dorsett does not disclose or suggest "creating and storing an electronic file for the database object in a generalized data format by constructing a generalized data structure for the attribute data using the metadata," after having previously, *inter alia*, "retriev[ed] data from an identified database object" and "retriev[ed] metadata from the database object."

For at least the reasons outlined above, the current art of record does not address all elements of claim 1; accordingly, claim 1 defines subject matter that is patentable over Dorsett, Woolston and any combination of Dorsett and Woolston. Claims 14 and 27 recite similar language as claim 1 and are accordingly patentable over Dorsett and Woolston for at least the reasons presented with reference to claim 1. Applicants request that the Examiner withdraw the rejections of the independent claims 1, 14 and 27, as well as the corresponding dependent claims 2-10, 12, 15, 16, 18-23, 25 and 28-30 and 32.

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Various dependent claims are patentable for additional reasons, including the reasons provided below.

Starting with claims 3, 16 and 29, the Examiner rejected these claims as follows:

> **8. As per dependent claims 3, 16, 29, Dorsett teaches the claimed, retrieving database object data comprises retrieving opportunity header data and data for one or more opportunity listings (col. 2, line 55 to col. 3, line 10).**

Applicants submit that Dorsett does not disclose or suggest opportunity header data or data for one or more opportunity listings. "Opportunity header data may include general information about a desired commercial transaction. For example, opportunity header data may include an opportunity identifier (e.g., an opportunity ID or opportunity name), an opportunity type, [an] opportunity classification, an opportunity start date, an opportunity end date, a desired currency type, and the like." (Originally filed specification at ¶ 0008.) "Opportunity listing data may include data related to products and services that are the subject of the desired commercial transaction. For example, the opportunity listing data may include a product name, desired quantity, product type, service name, service type, and the like." (Id.)

In contrast to the "opportunity header data" and "data for one or more opportunity listings," Dorsett at column 2, line 55 to column 3, line 10—which the examiner cited as disclosing these elements—recites the following:

> **Particular implementations of the invention can include one or more of the following advantageous features. The chemical experiment can have a type that is one of a pre-defined set of one or more experiment types. The representation can implement a data model describing the set of experiment types, the data model including an experiment base class having a set of experiment base class properties including a classname property for identifying a derived experiment class and a library ID property for identifying a library of materials, and one or more derived experiment classes, each of which is associated with one of the experiment types and has a plurality of derived experiment class properties derived from the associated experiment type. The chemical experiment can be represented by a first experiment object instantiated from the derived experiment class associated with the type of the relevant chemical experiment, and by a second experiment object instantiated from the experiment base class, the classname property of the second experiment object having a value**

> **identifying the derived experiment class associated with the experiment type of the chemical experiment, and the library ID property of the second experiment object having a value identifying the library of materials.**

This portion of Dorsett has nothing to do with "opportunity header data" or "opportunity listings" as recited in claims 3 and 29; rather, this portion of Dorsett describes modeling chemical experiments—which is completely irrelevant to Applicants claims.

Claim 16 has been amended in a manner that makes the above-described distinction over Dorsett even clearer. The amendments to claim 16 are believed to be in line with the Examiner's suggestions with respect to further clarifying the claim language. In particular, as amended, claim 16 recites, inter alia, "an opportunity to bid on a possible commercial transaction between a purchaser of goods or services and a supplier of the goods or services." As indicated above, Dorsett relates to modeling chemical experiments, not to an opportunity to bid on a possible commercial transaction between a purchaser of goods or services and a supplier of the goods or services.

Support for the amendments to claim 16 can be found throughout the originally filed specification, including, for example, at ¶¶ 0008 and 0031, and at original claim 17. Accordingly, no new matter has been added.

For at least the above-provided reasons, Applicants submit that claims 3, 16 and 29 are separately patentable over the current art of record, beyond those reasons provided above with respect to the independent claims.

Turning to claims 4 and 17, the Examiner rejected these claims as follows:

> **9. As per dependent claims 4, 17, Dorsett teaches the claimed, the database object data includes data related to a desired commercial transaction (col. 2, lines 45-54).**

Dorsett at column 2, lines 45-54 recites the following:

> **In general, in one aspect, the invention provides methods, apparatus, including computer program apparatus, and laboratory data management**

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> systems implementing techniques for processing data (including, e.g., receiving, manipulating and/or storing data) from chemical experimentation for or on a library of materials or a subset of such a library of materials. The techniques can include receiving data from a chemical experiment on a library of materials having a plurality of members and generating a representation of the chemical experiment. The representation includes data defining an experiment object having a plurality of properties derived from the chemical experiment. The experiment object is associated with the library of materials. The representation also includes data defining one or more element objects, each of which is associated with one or more members of the library of materials.

Applicant does not find any suggestion whatsoever of "a desired commercial transaction" in this portion of Dorsett. Accordingly, Applicants submit that claim 4 is separately patentable over the current art of record, beyond those reasons provided above with respect to independent claim 1 and dependent claim 1. Aspects of claim 17 have been incorporated into claim 16, which is discussed above; claim 17 has been canceled.

The Examiner rejected claims 5 and 18 as follows:

> 10. As per dependent claims 5, 18, Dorsett teaches the claimed, the opportunity header data includes an opportunity type and an opportunity identifier (col. 3, lines 40-54).

Dorsett at column 3, lines 40-54 recites the following:

> The techniques can also include storing the content in the assigned database table in the relational database, and the database can be searched to return a search result including data identifying a set of element objects satisfying search terms specified for one or more searchable fields. Search results can be stored as lists of element objects that satisfy the search terms of a query. Element object values can be displayed for one or more displayable fields. Object representations of chemical experiment data can be reconstructed from the database based on an object identifier specifying content to be retrieved from the database, from which content an object representation is generated based on a class name included in the specified content. The object representation can be mapped to an XML stream describing the content.

This portion of Dorsett has nothing to do with "opportunity header data," as recited in claim 5, or "opportunity data," as recited in claim 18—much less to an "opportunity type" (e.g., an RFQ, as described in Applicants' originally filed specification at ¶ 0063) or "opportunity identifier." Applicants traverse any notion that "an object identifier" in Dorsett that is associated with

"[o]bject representations of chemical experiment data" somehow discloses or suggests specific

"opportunity header data" or "opportunity data" attributes recited in Applicants' claims 5 and 18.

Accordingly, Applicants submit that claims 5 and 18 are separately patentable over the

current art of record, beyond those reasons provided above with respect to the independent

claims or the other dependent claims from which claims 5 and 18 depend.

The Examiner rejected claims 6 and 19 as follows:

> **11. As per dependent claims 6, 19, Dorsett teaches the claimed, the data for
> one or more opportunity listings includes product data, the product data
> associated with a product to be obtained as a result of the desired
> commercial transaction (col. 3, lines 40-54).**

Dorsett at column 3, lines 40-54 is reproduced above. This portion of Dorsett does not disclose

or suggest "product data [that is] associated with a product to be obtained as a result of [a]

desired commercial transaction." Rather, this portion of Dorsett describes aspects of object

representations of chemical experiment data.

Accordingly, Applicants submit that claims 6 and 19 are separately patentable over the

current art of record, beyond those reasons provided above with respect to the independent

claims or the other dependent claims from which claims 6 and 19 depend.

The Examiner rejected claims 7 and 20 as follows:

> **12. As per dependent claims 7, 20, Dorsett teaches the claimed, the data for
> one or more opportunity listings includes service data, the service data
> associated with a service to be obtained as a result of the desired
> commercial transaction (col. 3, lines 40-54).**

The cited portion of Dorsett, reproduced above, also does not have anything to do with a service

to be obtained as a result of a desired commercial transaction.

Accordingly, Applicants submit that claims 7 and 20 are separately patentable over the

current art of record, beyond those reasons provided above with respect to the independent

claims or the other dependent claims from which claims 7 and 20 depend.

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The Examiner rejected claims 8, 21 and 30 as follows:

> **13. As per dependent claims 8, 21, 30, Dorsett teaches the claimed, retrieving database object data comprises retrieving response data associated with the one or more opportunity listings (Fig. 1, col. 7, lines 57-61).**

Applicants submit that Dorsett does not at all disclose or suggest "retrieving response data associated with one or more opportunity listings," as recited in claims 8 and 30, or "retrieving response data associated with the opportunity to bid on the possible commercial transaction," as recited in claim 21. An example of "response data" is provided in Applicants' originally filed specification at ¶ 0078: "Potential suppliers may submit bids in response to the opportunity while the status of the opportunity is active."

In contrast to Applicants' recited "response data," Dorsett at column 7, lines 57-61 recites the following:

> **The user registers a new library in system 100 by requesting a new LibraryID for the new library. In response to the request, database server process 130 generates a LibraryID for the new library, and defines a library geometry for the library--for example, by prompting the user to input the number of rows and columns in the new library.**

Although this portion of Dorsett includes the word "response," generating a LibraryID for a new library had nothing to do with "retrieving response data associated with the one or more opportunity listings" (e.g., a bid in response to an RFQ).

Furthermore, Applicants note that claim 21 explicitly recites response data that is associated with the opportunity to bid on a possible commercial transaction.

Accordingly, Applicants submit that claims 8, 21 and 30 are separately patentable over the current art of record, beyond those reasons provided above with respect to the independent claims or the other dependent claims from which claims 8, 21 and 30 depend.

The above arguments corresponding to various dependent claims are representative only. Other dependent claims may also be patentable for reasons other than those provided above.

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Claim 23 has been amended to correct a typographical error. Support for the amendment can be found in its context and at, for example, ¶ 0035 of the originally filed specification. Accordingly, no new matter has been added.

New claims

New claims 33-35 have been added. Support for new claims 33-35 can be found throughout the originally filed specification, including, for example, at ¶¶ 0033, 0038-0041, 0059, 0064, and 0072-0074; and in the originally filed claims. Accordingly, no new matter has been added.

New claims 33-35 are patentable over Dorsett and Woolston for at least the reasons presented above with respect to the independent claims, as well as for additional reasons. In particular, neither Dorsett nor Woolston, nor the combination of Dorsett and Woolston discloses or suggests, for example, "dynamically creating, after retrieving at least one of the plurality of metadata elements, a message for transmission to the one or more external supplier systems, wherein the message comprises a portion corresponding to each retrieved metadata element, and wherein the message further comprises the plurality of attribute values." As another example, Dorsett and Woolston do not disclose or suggest "type-checking the plurality of attribute values using the corresponding plurality of metadata elements."

Conclusion

Applicants submit that claims 1-10, 12, 14-16, 18-23, 25, 27-30 and 32-35 are in condition for allowance, and requests that the examiner issue a notice of allowance.
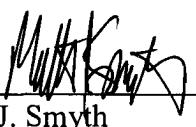
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please charge deposit account 06-1050 for the appropriate excess claims fees, which are believed to be $ 310. Filed herewith is a Petition for Two-Month Extension of Time and the corresponding fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:_____   _____

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